Remarks

Claims 1 through 3 stand rejected by examiner under 35 U.S.C.1 03(a) as being unpatentable over Zerphy et al. (U.S.Pub-2005015681 0) in view of Baker, Jr. (U.S.Pat-7058693). Since claims 4 and 5 deal with the specific application of claims 1 through 3 to Dynamic Message Signs (DMS) (see Zerphy, [0010]), Changeable Message Signs (CMS) and Variable Message Signs (VMS), it follows that the examiner would also reject claims 4 and 5. Reconsideration is requested.

Applicant appreciates examiner's transitive argument that by applying Baker to Zerphy a user (operator) would be allowed to edit the programs controlling the operation of the controller system. Applicant respectfully submits that there are major, substantive distinctions between the system as taught by Zerphy and the system taught by Applicant. Even allowing for some internet connection as suggested by Baker (which Zerphy does not define), Zerphy's controller must act as both operator (user) interface and system controller. Zerphy did not teach nor anticipate a separate system controller which could have considerably enhanced his invention. Zerphy did not anticipate separating the operating interface from the system controller because his primary goal was the simple control of multiple devices. He simply would not need to conceive of an internet server for his stated goals. In direct contrast to any derived combined teaching of Zerphy and Baker, the controller of our system is the internet server. It receives commands and message content from the operator interface and it alone is responsible for the execution of those commands. Applicant's invention must distinguish the operator interface from the system controller for many reasons. We purposely want to give multiple operators command and control of multiple devices. There is no reason to fear confusion of command and control of the same device by two different operators as long as there is a single internet server to remove that confusion. In the same manner that a single internet server can remove the confusion of multiple operators controlling a single device, a single internet server can also allow a single operator control of multiple devices or even multiple operators controlling multiple devices. Applicant also requires an internet server in order to improve robustness of the system controller. By using redundant internet servers which could be spatially separated, with individual connectivity to the internet, the robustness (lower failure probability) of the system controller is improved. Additionally, Zerphy/Baker embed error detection and control in their target devices. In Zerphy if the target device detects an error it must alert the controller that an error has occurred. In direct contrast to Zerphy/Baker, again, Applicant's error recognition and control is manifest in the internet server. If there is the failure of a communication link between the internet server and a target device, the internet server must recognize that the link has failed and attempt to switch to a different link. In Applicant's invention the target device does not have the responsibility of switching communication modes. One significant reason why that is important is that it opens up Applicant's system to both duplex and simplex links. Zerphy's system can only succeed in the duplex mode. Considering that these differences are significant Applicant concludes that the claims as presently proposed must be amended to contain additional details to distinguish Applicant's invention from others, including any derived combination of Zerphy and Baker. Applicant submits amendments claims on page 3 of this document.

CONCLUSION

Absent disclosing, teaching or suggesting a method having all the limitations of amended claim 1 of the present application, Zerphy and Baker cannot anticipate or render obvious amended claim 1 of the present application, or, for that matter amended claims 2 and 3, as well as the claims 4 and 5 dependent therefrom. Based on the foregoing remarks, Applicant requests reconsideration of the rejections and allowance of claims 1-5.

Respectfully submitted,
Howard M. Garon, PhD
Applicant
Phone: 240-353-4142   Email: hgaron@mirustech.com